

FIRST REGULAR SESSION

# HOUSE BILL NO. 1140

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CURTIS.

2089L.021

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 56.067 and 479.020, RSMo, and to enact in lieu thereof four new sections relating to officers of the court.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 56.067 and 479.020, RSMo, are repealed and four new sections  
2 enacted in lieu thereof, to be known as sections 56.067, 476.185, 476.186, and 479.020, to read  
3 as follows:

56.067. In counties [of the first classification not having a charter form of government  
2 and other counties] in which the prosecuting attorney is a full-time position, the prosecuting  
3 attorney, except in the performance of special prosecutions or otherwise representing the state  
4 or its political subdivisions, shall devote full time to his office, and shall not engage in the  
5 practice of law, **which includes serving as a municipal judge in any municipality.**

**476.185. No person shall serve simultaneously as a municipal judge, prosecuting  
2 or circuit attorney, assistant prosecuting or circuit attorney, city attorney, or criminal  
3 defense attorney. A municipal judge may be a part-time judge and may serve as a  
4 municipal judge in more than one municipality, as provided in subsection 2 of section  
5 479.020.**

**476.186. No person shall serve as a municipal judge or city attorney if such person  
2 has any delinquent financial obligations, including but not limited to back taxes or child  
3 support payments; except that persons with delinquent financial obligations who currently  
4 hold positions as municipal judges or city attorneys on or after August 28, 2015, may serve  
5 the remainder of their terms.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

479.020. 1. Any city, town or village, including those operating under a constitutional or special charter, may, and cities with a population of four hundred thousand or more shall, provide by ordinance or charter for the selection, tenure and compensation of a municipal judge or judges consistent with the provisions of this chapter who shall have original jurisdiction to hear and determine all violations against the ordinances of the municipality. The method of selection of municipal judges shall be provided by charter or ordinance. Each municipal judge shall be selected for a term of not less than two years as provided by charter or ordinance.

2. Except where prohibited by charter or ordinance, the municipal judge may be a part-time judge and may serve as municipal judge in more than one municipality.

3. No person shall serve as a municipal judge of any municipality with a population of seven thousand five hundred or more or of any municipality in a county of the first class with a charter form of government unless the person is licensed to practice law in this state unless, prior to January 2, 1979, such person has served as municipal judge of that same municipality for at least two years.

4. Notwithstanding any other statute, a municipal judge need not be a resident of the municipality or of the circuit in which the municipal judge serves except where ordinance or charter provides otherwise. Municipal judges shall be residents of Missouri.

5. Judges selected under the provisions of this section shall be municipal judges of the circuit court and shall be divisions of the circuit court of the circuit in which the municipality, or major geographical portion thereof, is located. The judges of these municipal divisions shall be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme court. The presiding judge of the circuit shall have general administrative authority over the judges and court personnel of the municipal divisions within the circuit.

6. **Except as provided in subsection 2 of this section**, no municipal judge shall hold any other office [in the municipality which the municipal judge serves] **while serving** as judge. The compensation of any municipal judge and other court personnel shall not be dependent in any way upon the number of cases tried, the number of guilty verdicts reached or the amount of fines imposed or collected.

7. Municipal judges shall be at least twenty-one years of age. No person shall serve as municipal judge after that person has reached that person's seventy-fifth birthday.

8. Within six months after selection for the position, each municipal judge who is not licensed to practice law in this state shall satisfactorily complete the course of instruction for municipal judges prescribed by the supreme court. The state courts administrator shall certify to the supreme court the names of those judges who satisfactorily complete the prescribed course. If a municipal judge fails to complete satisfactorily the prescribed course within six months after the municipal judge's selection as municipal judge, the municipal judge's office

37 shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal  
38 judge, nor shall any compensation thereafter be paid to such person for serving as municipal  
39 judge.

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